



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marcus L. Thuesen *et al.*

Group Art Unit: 3728

Serial No.: 10/798,760

Examiner: Gregory Pickett

Filed: March 11, 2004

Atty. Dkt. No.: THUE:002

For: POUCH CONTAINERS HAVING  
ADVERTISING MEDIA AND METHODS  
FOR THEIR DISSEMINATION

CERTIFICATE OF EXPRESS MAILING  
UNDER 37 C.F.R. § 1.10

MAILING LABEL NO. ED888381440US

DATE OF DEPOSIT: December 12, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above with postage prepaid and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

*Keith B. Willhelm*

Keith B. Willhelm

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants, by their attorney and pursuant to 37 C.F.R. § 1.137(b), hereby petition for revival of the subject application as having become abandoned unintentionally. More specifically, concurrently with the filing of the subject application on March 11, 2004, applicants filed a request for nonpublication of the application under 35 U.S.C. § 122(b)(2)(B)(i). Subsequently, on March 9, 2005, applicants' assignee filed an application under the Patent

Cooperation Treaty, Ser. No. PCT/US 05/07,426, Publication No. WO 2005/090193, but applicants' attorney failed to request rescission of the previously filed request for nonpublication. Accordingly, forty-five days thereafter, effective April 23, 2005, the application became abandoned pursuant to 37 C.F.R. § 122(b)(2)(B)(iii).

The Office has not issued a notice of abandonment, and the abandoned status of the application was first appreciated by applicants' attorney on December 12, 2005, in conducting a docketed investigation into why the application had not yet been published.

In support of this petition to revive, applicants are submitting their Rescission of Previous Nonpublication Request under 37 C.F.R. § 1.213(b) and Notice of Foreign or International Filing under 37 C.F.R. § 122(b)(2)(B)(iii). Applicants further state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Applicants are also submitting herewith a check in the amount of \$750.00 in payment of the petition fee required under 37 C.F.R. § 1.17(l). If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to the deposit account of applicants' attorney, Keith B. Willhelm, Attorney at Law, Deposit Account No. 501,435/THUE:002.

For the foregoing reasons, it is believed the petition is fully supported and should be granted. Prompt and favorable action is earnestly solicited.

Respectfully submitted,

December 12, 2005  
Date

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